

Suit No:612188/16

Jaspal Kaur Sethi v/s Surinder Singh

27.08.2019

11.30 AM.

Present: Smt. Simrat Kaur, one of the legal heir of plaintiff with Ms. Kusum Lata, counsel for plaintiff.

Defendant in person with Ms. Malti, proxy counsel for defendant.

Defendant has filed reply to the application seeking impleadment of legal heirs of plaintiff. Kept on record. Copy supplied.

Now, the following four applications are pending on record for disposal.

i) Application under Order 22 Rule 3, CPC moved by legal heirs of plaintiff.

ii) Application for review of the order dated 06.01.2018 along with application under Section 5 of the Limitation Act moved by defendant.

iii) Application under Section 151, CPC moved by plaintiff seeking striking off the defence of defendant.

iv) Application under Order VII Rule 14, CPC moved by plaintiff.

Firstly, the application under Order 22 Rule 3, CPC is taken up for consideration. In the reply to the application, it is only stated that plaintiff is not landlady of the defendant and rent is being paid to Sh. H.S Sethi. There is no objection taken regarding the identification of the legal heirs or any other ground for impleadment. The application under Order 22 Rule 3, CPC has been moved within limitation period and right to sue survives in favour of legal heirs. Hence, said application is allowed. Amended memo of parties filed along with application is taken on record.

Now, the application under Section 5 of the Limitation Act seeking condonation of delay as well as the review application is taken up for consideration. Adjournment sought on behalf of

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defendants stating that main counsel is not available today as he is suffering from viral. Adjournment request is vehemently opposed. Considering the entire submissions, I do not find any justified ground to adjourn matter further. Written submissions on the application are already placed on record by defendant. Same shall be considered. Arguments on both the applications heard on behalf of plaintiff.

In the application under Section 151, CPC, plaintiff has sought striking off defence of defendant on the ground that defendant has not deposited rent as per directions passed by order dated 06.01.2018. The review has been sought for the said order itself i.e. 06.01.18. Hence, as said order is sought to be reviewed, therefore, application seeking striking off the defence shall be decided subsequently depending on the outcome of review application.

The application under Order VII Rule 14, CPC shall also be decided at later stage.

Be listed for orders on the review application on 16.09.2019 at 4 PM.

Sugandha Aggarwal  
ADJ/West/Delhi  
27.08.2019